

6/6/00 #12
7-12-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of) Group Art Unit: 1655

Livak et al.) Examiner: J. Riley

Serial No.: 09/436,454)

Filed: November 8, 1999)

For: Hybridization Assay Using Self-)
Quenching Fluorescence Probe)

**For hand-delivery to Examiner J.
Riley on or after July 5, 2000**

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Assistant Commissioner for Patents
 Washington, D.C. 20231

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Sir:

Applicants submit herewith patents, publications or other information (listed on the attached Form PTO-1449) of which they are aware, which may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

This Information Disclosure Statement:

(a) [] accompanies the new patent application submitted herewith. 37 CFR §1.97(a).

(b) [] is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR §1.491.

(c) [] as far as is known to the undersigned, is filed before the mailing date of a first Office action on the merits.

(d) is filed after the first Office Action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and is accompanied by either the fee (\$240) set forth in 37 CFR §1.17(p) **or** a certification as specified in 37 CFR §1.97(e), as checked below. Should any fee be due, the U.S. Patent and Trademark Office is

hereby authorized to charge Deposit Account No. 01-2213 in the amount of \$240.00 to cover the cost of this Information Disclosure Statement. Any deficiency or overpayment should be charged or credited to this deposit account. **A duplicate of this sheet is enclosed.**

- (e) [] is filed after the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by the fee (\$240) set forth in 37 CFR §1.17(i)(1) **and** a certification as specified in 37 CFR §1.97(e), as checked below. **This document is to be considered as a petition requesting consideration of the information disclosure statement.** The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 01-2213 in the amount of \$240.00 to cover the cost of this Information Disclosure Statement. Any deficiency or overpayment should be charged or credited to this deposit account. **A duplicate of this sheet is enclosed.**

[If either of boxes (d) or (e) is checked above, the following "certification" under 37 CFR §1.97(e) may need to be completed.] The undersigned certifies that:

- [] Each item of information contained in the information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- [] No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this information disclosure statement.

A copy of the items on PTO-1449 is supplied herewith:

[X] each [] none [] only those listed below:

This reference is believed to be an English language counterpart of EP 523557 B1, a European Patent in German, cited by Applicants in an Information Disclosure Statement that was hand-delivered to the Examiner on June 26, 2000.

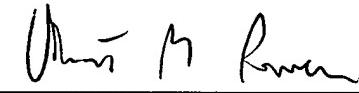
Patent(s) and/or publication(s) marked with an * and cited in the attached PTO-1449 form are not supplied because they were previously cited by or submitted to the Office in a prior application Serial No. _____ filed _____, and relied upon in this application for an earlier filing date under 35 USC §120.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR §1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR §1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR §1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR §1.98 and MPEP §609 and the Examiner is respectfully requested to consider the listed references.

Respectfully submitted,

Date: July 3, 2000



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